

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<hr/>	:	CHAPTER 7
	:	
EDWARD J. BOWMAN	:	BANKRUPTCY NO. 24-14308(AMC)
	:	
Debtor	:	
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**MOTION OF ROBERT W. SEITZER, CHAPTER 7 TRUSTEE, FOR ENTRY OF AN
ORDER DISMISSING THE DEBTOR'S CHAPTER 7 BANKRUPTCY PROCEEDING
PURSUANT TO 11 U.S.C. § 707 AND L.B.R. 1017-2**

Robert W. Seitzer, Chapter 7 Trustee (the "Trustee") for the estate of Edward J. Bowman (the "Debtor"), hereby moves this Honorable Court for entry of an Order dismissing the Debtor's Chapter 7 bankruptcy proceeding pursuant to 11 U.S.C. § 707 and L.B.R. 1017-2 (the "Motion"), and in support thereof, respectfully represents as follows:

JURISDICTION

1. This Court has jurisdiction over this Motion under 28 U.S.C. § 1334.
2. This matter is a core proceeding within the meaning of 28 U.S.C. §§ 157(b)(2)(A) and (O).
3. The statutory basis for the relief requested herein is 11 U.S.C. § 707 and L.B.R. 1017-2.

BACKGROUND

A. Procedural Background.

4. On December 2, 2024, the Debtor filed for protection under Chapter 7 of the Bankruptcy Code.
5. On December 3, 2024, the Trustee was appointed which appointment remains in effect.

B. The 11 U.S.C. § 341(a) Meeting of Creditors.

6. After a continuance request, the Debtor's 11 U.S.C. § 341(a) Meeting of Creditors (the "§ 341(a) Meeting") was initially held on February 18, 2025.

7. At the § 341(a) Meeting, the Trustee questioned the Debtor about rental income disclosed on his Statement of Financial Affairs.

8. The Debtor testified that the rental income was not actually income but money that he gave to his father.

9. As a result, the Trustee continued the § 341(a) Meeting to April 14, 2025 for the Debtor to provide, *inter alia*, documentation relating to these alleged gifts to his father (the "Requested Documents").

10. The Debtor did not attend the § 341(a) Meeting on April 14, 2025 or provide the Requested Documents.

11. As a result, the § 341(a) Meeting was continued again to May 19, 2025.

12. The Debtor did not attend the § 341(a) Meeting on May 19, 2025 or provide the Requested Documents.

RELIEF REQUESTED AND THE BASIS THEREOFOR

13. The Trustee respectfully requests the entry of an Order dismissing the Debtor's bankruptcy proceeding.

I. Section 707 of the Bankruptcy Code.

14. Motions to dismiss a Chapter 7 bankruptcy petition are governed by Section 707(a) of the Bankruptcy Code which provides,

The court may dismiss a case under this chapter only after notice and a hearing and only for cause, including -

- (1) unreasonable delay by the debtor that is prejudicial to creditors;
- (2) nonpayment of any fees or charges required under chapter 123 of title 28; and

(3) failure of the debtor in a voluntary case to file, ..., the information required by paragraph (1) of section 521(a), but only on a motion by the United States trustee.

See, 11 U.S.C. § 707(a); *In re Perlin*, 497 F.3d 364, 369 (3d Cir. 2007); *Smith v. Geltzer*, 507 F.3d 64, 72 (2d Cir. 2007); *In re Aupperle*, 352 B.R. 43, 45-6 (Bankr. D.N.J. 2005).

15. “Cause” is not expressly defined in the Bankruptcy Code, and courts view the examples given in section 707(a) to be “illustrative, not exclusive.” *See*, *Geltzer*, 507 F.3d at 72.

II. Cause Exists to Dismiss the Debtor’s Bankruptcy Proceeding.

16. The Debtor’s actions in this matter have created unreasonable delay that is prejudicial to creditors

17. As set forth herein, the Debtor has failed to cooperate with the Trustee.

18. The Debtor has yet to provide the Requested Documents.

19. In addition, he failed to attend the last two (2) scheduled § 341(a) Meetings.

WHEREFORE, the Trustee respectfully requests the entry of an Order (a) granting the relief requested herein and (b) granting such other and further relief as this Court deems just and proper.

Respectfully submitted,

**ROBERT W. SEITZER, CHAPTER 7 TRUSTEE
FOR THE ESTATE OF EDWARD J. BOWMAN**

By: /s/ Robert W. Seitzer
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Chapter 7 Trustee

Dated: May 20, 2025